



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

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OFFICE OF THE REGIONAL ADMINISTRATOR

September 28, 2018

Ms. Alexandra Dapolito Dunn
U.S. EPA Regional Administrator
5 Post Office Square – Suite 100
Boston, MA 02109

Dear Administrator Dunn:

MassDEP appreciates and supports the July 3, 2018 letter you sent to Maureen Sullivan, Deputy Assistant Secretary of Defense for Environment, Safety & Occupational Health. In that letter, you urged the Army to execute agreements to fund and support the treatment of the Devens and Ayers public water supplies contaminated with PFAS emanating from the Fort Devens Superfund Site (Fort Devens).

The August 8, 2018 response to your letter from the Department of Defense (DoD) did not provide the assurances we had been hoping to receive. In that letter, DoD asserts that the methodical CERCLA process is sufficient to address the contamination and that “*steady progress*” is being made. While the Army has agreed to conduct quarterly sampling of the public water supplies and identify/sample nearby private water supply wells, this is the minimal reasonable response to the conditions at Fort Devens and pale in comparison to the actions already taken and planned by the affected communities.

Devens/MassDevelopment is replacing the contaminated MacPherson well at an estimated cost of approximately \$1.8 million over the next 12-18 months.

The Town of Ayer has already spent over \$240,000 to address the PFAS contamination in its wells (analyses, studies, bench-scale testing, design & permitting) and has budgeted nearly \$5.5 million for the construction of a new treatment facility. The 20-year operating costs are anticipated to add an additional \$4 million burden, for a total cost to the Town of \$9.7 million.

DoD maintains that Army “*does not have the authority to fund the water systems’ actions until a need for remedial action is established under CERCLA.*” For reasons elaborated in several previous discussions with the parties, MassDEP does not agree. In addition, your letter identified authority that would direct Army to undertake timely response actions. The July 3rd letter identified the option of issuing an order under the Safe Drinking Water Act, which could be used to require DoD to expedite its work and take immediate action to address the public water supplies affected by the Fort Devens PFAS contamination.

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Regional Administrator
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Our state environmental agencies, local cities and towns and our citizens have worked quickly and diligently to react to this emerging contaminant in our drinking water supplies. MassDEP appreciates the support that U.S. EPA Region 1 has provided to Devens, the Town of Ayer and the Department since the discovery of PFAS in the water supplies at and around Fort Devens. It is time now for the parties responsible for the contamination to take action and help the communities that are already bearing the costs that result from the contamination.

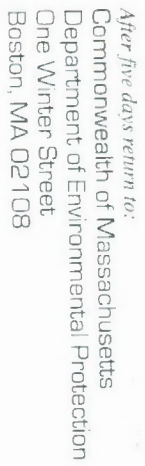
I strongly encourage you to pursue authorities under CERCLA and/or the Safe Drinking Water Act to direct DoD to support the actions necessary to provide the residents of Ayer and Devens with safe drinking water.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin Sullivan", with a stylized flourish at the end.

Martin Sullivan
Commissioner

cc: Robert Pontbriand, Town Manager, Town of Ayer
Mark Wetzel, DPW Superintendent, Town of Ayer
Lauren Liss, President, MassDevelopment
Jim Moore, Manager of Utilities, MassDevelopment
Maureen Sullivan, Deputy Assistant Secretary of Defense



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Ms. Alexandra Dapolito Dunn
U.S. EPA Regional Administrator
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Boston, MA 02109

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